

## DETAILED ACTION

### *Status of Claims*

1. This action is in reply to the application filed on 6<sup>th</sup> of October 2004.
2. Claims 1-16 are currently pending and have been examined.

### *Information Disclosure Statement*

3. The Information Disclosure Statement filed on October 06, 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### *Claim Objections*

4. The claims are objected to because the lines are crowded too closely together, making reading difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).
5. Claim 6 is objected to because of the following informalities: the claim 6 reads, "...opportunities are provided said real estate project managers". It is unclear if the opportunities are provided **by** real estate project managers, or provided **to** real estate project managers. Appropriate correction is required. For this office action, examiner will assume the applicant meant to use "by" instead of "to" in the claim 6.
6. Claim 4 is objected to because of the following informalities:

#### **Claim 4 states:**

- *The network of claim 1 wherein said network can be accessed by:*

Since this is a Murkush statement, the examiner would like suggesting rewriting the above statement to:

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- *The network of claim 1, wherein said network can be accessed by one of the group consisting of:*

Appropriate correction is required.

7. Claim 10 is objected to because of the following informalities:

**Claim 10 states:**

- *The network of claim 1, wherein said professional service providers are:*

Since this is a Murkush statement, the examiner would like suggesting rewriting the above statement to:

- *The network of claim 1, wherein said professional service provider is one of the group consisting of:*

Appropriate correction is required.

8. Claim 12 is objected to because of the following informalities:

**Claim 12 states:**

- *The network of claim 1, wherein said U.S. resident negotiates contracts with:*

Since this is a Murkush statement, the examiner would like suggesting rewriting the above statement to:

- *The network of claim 1, wherein said U.S. resident negotiates contracts with one of the group consisting of:*

Appropriate correction is required.

9. Claim 13 is objected to because of the following informalities:

**Claim 13 states:**

- *The network of claim 1, wherein said project manager negotiates contracts with:*

Since this is a Murkush statement, the examiner would like suggesting rewriting the above statement to:

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- *The network of claim 1, wherein said project manager negotiates contracts with one of the group consisting of:*

Appropriate correction is required.

**10.** Claim 15 is objected to because of the following informalities:

**Claim 15 states:**

- *The network of claim 1, wherein said building contractors are:*

Since this is a Murkush statement, the examiner would like suggesting rewriting the above statement to:

- *The network of claim 1, wherein said building contractor is one of the group consisting of:*

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

- 11.** Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 12.** The term "can be" in claim 4 is a relative term, which renders the claim indefinite. The term "can be" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. It is unclear the scope of the phrase "can be", what happens when network cannot be accessed. Should get rid of the phrase "can be" or phrase it differently.

***Claim Rejections - 35 USC § 101***

13. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. Claims 1-16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The only independent claim is an abstract idea; therefore it is only a judicial exception, not being one of the statutory categories. Also the supporting dependent claims are not useful to make the independent claim statutory.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in

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preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

17. Claims 1, 3-4, and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelson (US 2002/0099617 A1) in view of applicant's own admission (hereinafter "AOA").

**Claim 1:****Fogelson shown, discloses the following limitations:**

- *An apparatus to facilitate, for U.S. residents, turnkey real estate investment transactions in Mexico comprising a network consisting of:*
  - a) information about Mexican real estate development projects available for investment, (paragraph 0011)*
  - d) information about building contractors, (paragraph 0069)*
  - e) information about professional service providers, (Fig. 35, 420)*
  - f) information about governmental services, (Fig. 35, 420)*
  - h) quality control of network participants and (Fig. 37)*
  - i) information about features desired by potential investors. (paragraph 0121)*
  - g) information about governmental requirements, (Fig. 35, 420)*

Fogelson does not disclose the relationship between U.S. and Mexico, but applicant, however, in the background of the specification, as shown, does:

- *An apparatus to facilitate, for **U.S.** (paragraph 2) residents, turnkey real estate investment transactions in **Mexico** comprising a network consisting of:*
  - a) information about **Mexican** (paragraph 2) real estate development projects available for investment,*
  - b) information about **U.S.** financial institutions, (paragraph 2)*
  - c) information about **Mexican** financial institutions, (paragraph 2)*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Fogelson's system as taught by applicant to improve the network to be used in the international stage between different countries.

**Claim 3:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *The network of claim 1 consisting of any coordinated referral system that results in a turnkey real estate investment (paragraph 0149)*

**Claim 4:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *U.S residents with available capital or credit to make investment in Mexico, (paragraph 0120)*
- *U.S./Mexican financial institutions and -- (Fig. 35, 422, 428)*
- *Accessed by building contractors, (paragraph 0090)*
- *Accessed by real estate project managers, (paragraph 0090)*
- *Accessed by professional service providers, (Fig. 35, 420)*

**Claim 6:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *wherein real estate investment opportunities are provided **by** said real estate project managers. (paragraph 0011)*

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**Claim 7:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *providing a means for entering into contracts regarding the real estate project.*  
(paragraph 0011)

**Claim 8:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *where said building contractors can offer to enter into contracts.* (Fig. 35, 420)

**Claim 9:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *wherein said professional service providers can offer to enter into contracts.* (Fig. 35, 420)

**Claim 10:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *tax advisors* (Fig. 35, 434)
- *United States media* (paragraph 0141)
- *Companies proving title insurance* (Fig. 35, 432, 440)
- *Real estate agents.* (paragraph 0089)

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**Claim 11:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *Provides a negotiating contracts relating to said investment opportunity.*  
(paragraph 0058)

**Claim 12:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *Said professional service providers* (Fig. 35, 420)
- *Said real estate project managers and* (paragraph 0089)
- *Said building contractors.* (Fig. 35, 420)
- *U.S. resident negotiates contracts with* (paragraph 0058)

**Claim 13:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *said project manager* (paragraph 0011)
- *said professional service providers and* (Fig. 35, 420)
- *said building contractors.* (Fig. 35, 420)
- *Negotiates contracts with said U.S resident* (paragraph 0058)

**Claim 14:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *Said building contractors.* (Fig. 35, 420)
- *With building sub contractors.* (paragraph 0117)



- *Negotiates contracts with* (paragraph 0058)

**Claim 15:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *laborers* (Fig. 35, 420)
- *material providers* (paragraph 0117)

**Claim 16:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Furthermore, Fogelson as shown, also discloses the following limitations:**

- *Providing a means of said U.S. financial institution to transfer funds to said Mexican financial institution with real estate investment as a primary purpose.*  
(paragraph 0120)

- 18.** Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelson/AOA and further in view of Raveis (US 2002/0049624 A1).

**Claim 2:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Fogelson/AOA does not disclose the following limitations, but Raveis, as shown, does disclose the following limitations:**

- *a) a plurality of computers, (see at least paragraph 0056 on page 5, or Figure 1)*
- *b) a network connecting said computers and (see at least paragraph 0056 on page 5, or Figure 1)*
- *c) software controlling the operation of the plurality of computers. (see at least paragraph 0056 on page 5, or Figure 1)*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the real estate investment system of Fogelson/AOA with Raveis' networked computer system because *there is a need in the art for an improved system and method for effectively and profitably managing the customer relationships of a real estate company. Particularly, it would be beneficial to provide a system and method, which utilizes a distributed computing network to facilitate managing customer relationships and the information appertaining thereto.* (Raveis, paragraph 0016, page 2)

**Claim 5:**

**The combination of Fogelson/AOA discloses the limitations as shown in the rejections above. Fogelson/AOA does not disclose the following limitations, but Raveis, as shown, does disclose the following limitations:**

- *After a need and supply analysis is conducted.* (Page 8, Paragraph 0094)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Fogelson's system as taught by Raveis to improve the network to provide cost-effective opportunities to U.S residents after the need and supply analysis is conducted.

***Conclusion***

- 19.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Raveis, Jr. (US 2001/0047282 A1), which discloses managing real estate transactions over a distributed computer network.
  - Raveis, Jr. (Patent No.: US 6,321,202 B1), discloses the system, which includes the steps of receiving and storing data relating to a plurality of contacts including buyers and sellers of real estate.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **ANDREW J. FISCHER** can be reached at **571.272.6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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